

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

STEVEN THARP, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

ACACIA COMMUNICATIONS, INC.,
MURUGESAN SHANMUGARAJ, and JOHN
F. GAVIN,

Defendants.

No. 17-cv-11504-WGY
(LEAD DOCKET)

**PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF SETTLEMENT**

KAREN COLGAN, Derivatively on Behalf of
ACACIA COMMUNICATIONS, INC.,

Plaintiff,

v.

MURUGESAN SHANMUGARAJ, BENNY P.
MIKKELSEN, JOHN F. GAVIN, FRANCIS J.
MURPHY, BHUPENDRA C. SHAH,
CHRISTIAN J. RASMUSSEN, MEHRDAD
GIVEHCHI, VINCENT T. ROCHE, STAN J.
REISS, ERIC A. SWANSON, PETER Y.
CHUNG, and JOHN RITCHIE,

Defendants,

and

ACACIA COMMUNICATIONS, INC.,

Nominal Defendant.

No. 17-cv-12350-WGY

[Caption continued on next page.]

JONATHAN WONG, Derivatively on Behalf
of ACACIA COMMUNICATIONS, INC.,

Plaintiff,

v.

MURUGESAN SHANMUGARAJ, JOHN F.
GAVIN, BENNY P. MIKKELSEN, FRANCIS
J. MURPHY, BHUPENDRA C. SHAH,
CHRISTIAN J. RASMUSSEN, MEHRDAD
GIVEHCHI, ERIC A. SWANSON, STAN J.
REISS, PETER Y. CHUNG, JOHN RITCHIE,
and VINCENT T. ROCHE,

Defendants,

and

ACACIA COMMUNICATIONS, INC.,

Nominal Defendant.

No. 17-cv-12550-WGY

SANDRA FARAH-FRANCO and RUSSELL
GOURLEY, Derivatively on Behalf of Nominal
Defendant ACACIA COMMUNICATIONS,
INC.,

Plaintiffs,

v.

MURUGESAN SHANMUGARAJ, BENNY P.
MIKKELSEN, PETER Y. CHUNG, STAN J.
REISS, JOHN RITCHIE, VINCENT T.
ROCHE, ERIC A. SWANSON, JOHN F.
GAVIN, MEHRDAD GIVEHCHI, FRANCIS J.
MURPHY, CHRISTIAN J. RASMUSSEN, and
BHUPENDRA C. SHAH,

Defendants,

and

ACACIA COMMUNICATIONS, INC.,

Nominal Defendant.

No. 1:18-cv-10465-WGY

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on December 19, 2018 at 2:00 p.m., before the Honorable William G. Young, judge of the U.S. District Court for the District of Massachusetts, located at John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Courtroom 18, 5th Floor, Boston, Massachusetts 02210, Plaintiffs Karen Colgan, Sandra Farah-Franco, Russell Gourley, and Jonathan Wong hereby move this Court for an order granting final approval of the Settlement set forth in the Stipulation.¹ Plaintiffs hereby apply for entry of the [Proposed] Final Order and Judgment (“Judgment”) substantially in the form of Exhibit D to the Stipulation and submitted concurrently herewith, requesting the Court to determine: (i) whether the proposed Settlement on the terms and conditions provided for in the Stipulation is fair, reasonable, and adequate and in the best interests of the Company and its stockholders; (ii) whether the Court should finally approve the Settlement and enter the Judgment, dismissing the Actions with prejudice and extinguishing and releasing the Released Claims; (iii) hear and determine any objections to the proposed Settlement; and (iv) rule on such other matters as the Court may deem appropriate.

This Motion is made pursuant to Rule 23.1(c) of the Federal Rules of Civil Procedure and is supported by the accompanying Memorandum of Points and Authorities, the Declaration of Matthew D. Cain in support, the Judgment submitted concurrently herewith, and the Stipulation and exhibits thereto, all pleadings and papers filed in this action, any arguments made before the Court at the hearing of this Motion, and such additional evidence or argument as may be required by the Court.

¹ All capitalized terms not defined herein shall have the same meanings and/or definitions as set forth in the Stipulation and Agreement of Settlement, Compromise and Release (“Stipulation”) filed with the Court on September 14, 2018. Dkt. No. 180, Ex. 1.

DATED: November 7, 2018

Respectfully submitted,

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Counsel for Plaintiff Silberberg

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on this 7th day of November, 2018.

/s/ Geoffrey M. Johnson
GEOFFREY M. JOHNSON (*pro hac vice*)